

Amendment and Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure

Page 2 of 3

Serial No.: 08/981,998

Confirmation No.: 8733

Filed: May 11, 1998

For: NUCLEIC ACID ENCODING SPINOCEREBELLAR ATAXIA-2 AND PRODUCTS RELATED THERETO**Remarks**

Claims 83 and 84 having been amended, and claims 1-3, 5, 7, and 82 having been canceled, the pending claims are claims 59, 61, 71-73, 75, 83 and 84. Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 83 and 84 have been amended to alter the dependencies of the claims.

The 35 U.S.C. §112, First Paragraph, Rejection

The Examiner rejected claims 1-3 and 7 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This rejection is respectfully traversed. In the interests of furthering prosecution, claims 1-3 and 7 have been canceled.

The Examiner rejected claims 1-3 and 7 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. This rejection is respectfully traversed; however, claims 1-3 and 7 have been canceled, thereby rendering this rejection moot.

The 35 U.S.C. §112, Second Paragraph, Rejection

The Examiner rejected claims 5, 82-84 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 5 and 82 have been canceled because they are of the same scope as claims 72 and 59, respectively, and claims 83 and 84 have been amended to depend upon claims 72 and 59, respectively.

Amendment and Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure

Page 3 of 3

Serial No.: 08/981,998

Confirmation No.: 8733

Filed: May 11, 1998

For: NUCLEIC ACID ENCODING SPINOCEREBELLAR ATAXIA-2 AND PRODUCTS RELATED THERETO**Summary**

It is respectfully submitted that the pending claims 59, 61, 71-73, 75, 83 and 84 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for

Stefan M. Pulst

By

Mueeting, Raasch & Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Phone: (612) 305-1220

Facsimile: (612) 305-1228

Customer Number 26813



26813

PATENT TRADEMARK OFFICE

Date January 2, 2003By: David L. Provence

Attorney Name: David L. Provence

Reg. No.: 43,022

Direct Dial: (612)305-1005

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Assistant Commissioner for Patents, Box AF, Washington, D.C. 20231, on this 2nd day of January, 2003, at 2:20 pm (Central Time).

By: Sue Dombroske

Name: Sue Dombroske

**APPENDIX A - SPECIFICATION/CLAIM AMENDMENTS
INCLUDING NOTATIONS TO INDICATE CHANGES MADE**

Serial No.: 08/981,998

Docket No.: 256.00010120

Amendments to the following are indicated by underlining what has been added and bracketing what has been deleted.

In the Claims

For convenience, all pending claims are shown below.

59. An isolated nucleic acid encoding the amino acid sequence set forth at SEQ ID NO:5.
61. An isolated nucleic acid set forth at SEQ ID NO:4 encoding an SCA2 polypeptide.
71. An isolated nucleic acid comprising nucleotides 163-4098 of SEQ ID NO:2.
72. An isolated nucleic acid encoding the amino acid sequence set forth at SEQ ID NO:3.
73. An isolated nucleic acid comprising nucleotides 50-3454 of SEQ ID NO:4.
75. An isolated nucleic acid comprising the nucleic acid sequence set forth at SEQ ID NO:19.
83. (Amended) A vector comprising DNA according to claim 72 [5].
84. (Amended) A vector comprising DNA according to claim 59 [82].